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Federal Communications Commission 445 12th St., S.W. Washington, D.C. 20554

> DA 02-1017 MAY 3, 2002

WIRELINE COMPETITION BUREAU SEEKS COMMENT ON VERIZON'S PETITION FOR DECLARATORY RULING REGARDING ILEC OBLIGATIONS TO CONTINUE PROVIDING SERVICES

WC Docket No. 02-80

COMMENTS DUE: May 13, 2002

REPLY COMMENTS DUE: May 17, 2002

On April 17, 2002, Winstar Communications, LLC filed a Petition for Declaratory Ruling in the above-referenced Docket. On April 19, 2002, the Federal Communications Commission ("FCC or Commission") placed the Winstar Petition on Public Notice.¹ Pursuant to the Public Notice, comments were to be filed on April 29, 2002, and reply comments were to be filed on May 3, 2002. On April 29, 2002, Verizon filed comments in response to the Winstar Petition. Along with its comments, Verizon also filed a Counter Petition for Declaratory Ruling. In its Counter Petition, Verizon asks the Commission to rule that: (1) the Communications Act does not except carriers from the rights afforded by section 365 of the Bankruptcy Code; (2) where one CLEC wishes to take over another's service arrangement with nothing more than a name change, that constitutes an "assignment or transfer" within the meaning of Verizon's tariffs, so that the assignee/transferee CLEC must assume the outstanding indebtedness of the prior CLEC for such services; and (3) to the extent it does not do so separately by issuing a clarification of its previous public notice reflecting the obligation of carriers to provide notice to affected customers, the Commission should clarify the circumstances under which carriers in bankruptcy are obligated to provide notice of possible discontinuance or transfer to their customers.

The Bureau seeks comment on Verizon's Counter Petition. A copy of the Counter Petition will be available during regular business hours at the FCC Reference Center, Portals II, 445 12th Street, S.W., Suite CY-A257, Washington, D.C. 20554, (202) 418-0270. A copy of the

¹ In the Matter of Winstar Communications, LLC Emergency Petition for Declaratory Ruling Regarding ILEC Obligations to Continue Providing Services, Public Notice, WC Docket No. 02-80 (rel. April 19, 2002).

Counter Petition may also be found by searching on the Commission's Electronic Comment Filing System (ECFS) at http://www.fcc.gov/e-file/ecfs.html (insert 02-80 into the Proceeding block). Interested parties may file, electronically or by paper, comments concerning this matter on or before May 13, 2002, and reply comments on or before May 17, 2002. All filings must reference WC Docket No. 02-80. If filing paper copies, send an original and four copies to the Commission Secretary, Marlene H. Dortch, Portals II, 445 12th Street, SW, Suite TW-A325, Washington, D.C. 20554 and two copies to Carmell Weathers, Competition Policy Division, Portals II, 445 12th Street, S.W., Room 6-B153, Washington, D.C. 20554.

Comments may be filed using the ECFS. Comments filed through the ECFS can be sent as an electronic file via the Internet to http://www.fcc.gov/e-file/ecfs.html. If using this method, please reference the Docket number, WC Docket No. 02-80 in the Proceeding block. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, commenters should include their full name, postal service mailing address, and the applicable docket or rulemaking number(s). Parties may also submit electronic comments by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, including "get form <your e-mail address>" in the body of the message. A sample form and directions will be sent in reply. After filing your comments electronically, please send an e-mail to Carmell Weathers, cweather@fcc.gov, indicating that comments have been filed.

This is a "permit but disclose" proceeding for purposes of the Commission's *ex parte* rules.² As a "permit but disclose" proceeding, *ex parte* presentations will be governed by the procedures set forth in Section 1.1206 of the Commission's rules applicable to non-restricted proceedings.³

Parties making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must contain a summary of the substance of the presentation and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required.⁴ Other rules pertaining to oral and written presentations are set forth in Section 1.1206(b) as well.

For further information contact Pamela Arluk of the Wireline Competition Bureau, Competition Policy Division, at (202) 418-1471 or parluk@fcc.gov. The TTY number is (202) 418-0484.

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² See generally 47 C.F.R. §§ 1.1200-1.1216.

³ 47 C.F.R. § 1.1206.

⁴ 47 C.F.R. § 1.1206(b)(2).